

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MINERVA INDUSTRIES, INC.	§	
	§	
Plaintiff,	§	
v.	§	Case No. 2:07-cv-229 (CE)
	§	
MOTOROLA, INC., et al	§	
	§	JURY
Defendants.	§	

**AGREED MOTION FOR ENTRY OF AGREED DOCKET CONTROL ORDER
AND SUBMISSION OF PARTIES' DISCOVERY PROPOSALS**

Pursuant to the Court's Order at the May 1, 2008 Status Conference, the Parties have reached an agreement on a proposed Docket Control Order (attached as Exhibit A) and hereby submit same for the Court's consideration, along with their proposals for the Discovery Order (attached as Exhibit B). The Parties have reached agreement as to most issues. However, the Parties were unable to reach agreement as to one issue raised by Defendants – namely, whether and when Plaintiff should be required to limit the claims that it will be permitted to assert at trial. The Parties' respective positions regarding limiting the claims are set forth at the end of the proposed Discovery Order.

CONSOLIDATION

Per the agreement of the Parties, the following cases should be consolidated:

- 1) *Minerva Industries, Inc. v. Motorola, Inc.*, Civil Action No.: 2-07 CV-229;
- 2) *Minerva Industries, Inc. v. Research in Motion Corp.*, Civil Action No.: 2-07 CV-230;
- 3) *Minerva Industries, Inc. v. Motorola, Inc.*, Civil Action No.: 2-08 CV-21;
- 4) *Minerva Industries, Inc. v. Research in Motion Corp.*, Civil Action No.: 2-08 CV-20

The Parties intend to submit a joint agreed motion to consolidate these actions. Accordingly, the attached agreements and proposals regarding discovery assume a consolidated action.

Dated: May 29, 2008

Respectfully submitted,

By: /s/ Elizabeth L. DeRieux

S. Calvin Capshaw
State Bar No. 03783900
Elizabeth L. DeRieux
State Bar No. 05770585
N. Claire Abernathy
State Bar No. 24053063
Jedidiah J. Rollins
State Bar No. 24056650
Capshaw DeRieux, LLP
1127 Judson Rd., Suite 220
Longview, TX 75601
P O Box 3999
Longview, TX 75606
Phone: (903) 236-9800
Fax: (903) 236-8787
Email: ccapshaw@capshawlaw.com
Email: ederieux@capshawlaw.com
Email: chenry@capshawlaw.com
Email: jrollins@capshawlaw.com

Marc A. Fenster, *pro hac vice*
California State Bar No. 181067
E-mail: mfenster@raklaw.com
David R. Gabor, *pro hac vice*
California State Bar No. 145729
E-mail: dgabor@raklaw.com
Irene Y. Lee, *pro hac vice*
California State Bar No. 213625
E-mail: ilee@raklaw.com
Eric B. Carlson, *pro hac vice*
California State Bar No. 193401
E-mail: ecarlson@raklaw.com
Robert E. Satterthwaite, *pro hac vice*
California State Bar No. 223767
E-mail: rsatterthwaite@raklaw.com
RUSS, AUGUST & KABAT
12424 Wilshire Boulevard 12th Floor
Los Angeles, California 90025
Telephone: (310) 826-7474
Facsimile: (310) 826-6991

Franklin Jones Jr.
Texas State Bar No. 00000055
maizieh@millerfirm.com
JONES & JONES, INC., P.C.
201 West Houston Street
P.O. Drawer 1249
Marshall, Texas 65671-1249
Telephone: (903) 938-4395
Facsimile: (903) 938-3360

Otis W. Carroll, Attorney-In-Charge
Texas State Bar No. 03895700
E-mail: otiscarroll@icklaw.com
Collin M. Maloney
Texas State Bar No. 00794219
E-mail: cmaloney@icklaw.com
IRELAND CARROLL & KELLEY, P.C.
6101 South Broadway, Suite 500
P.O. Box 7879
Tyler, Texas 75711
Telephone: (903) 561-1600
Facsimile: (903) 581-1071

**ATTORNEYS FOR PLAINTIFF
MINERVA INDUSTRIES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served this 29th day of May, 2008, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Elizabeth L. DeRieux
Elizabeth L. DeRieux